

1 XAVIER BECERRA
Attorney General of California
2 DAVID BRICE
Supervising Deputy Attorney General
3 ELENA L. ALMANZO
Deputy Attorney General
4 State Bar No. 131058
1300 I Street, Suite 125
5 P.O. Box 944255
Sacramento, CA 94244-2550
6 Telephone: (916) 210-7902
Facsimile: (916) 327-8643
7 *Attorneys for Complainant*

8
9 **BEFORE THE**
DEPARTMENT OF CONSUMER AFFAIRS
10 **FOR THE CEMETERY AND FUNERAL BUREAU**
11 **STATE OF CALIFORNIA**
12

13 In the Matter of the Accusation Against:

Case No. A1 2018 204

14 **RANDALL L. INLOW**
15 **1206 Karen Court**
16 **Upland, CA 91786**

A C C U S A T I O N

17 **Cemetery Manager License No. CEM 147**
18 **Crematory Manager License No. CRM 197**

19 Respondent.

20 Complainant alleges:

21 **PARTIES**

22 1. Gina Sanchez (Complainant) brings this Accusation solely in her official capacity as
23 the Bureau Chief of the Cemetery and Funeral Bureau (Bureau), Department of Consumer
24 Affairs.

25 2. On or about July 2, 2004, the Bureau issued Cemetery Manager License No. CEM
26 147 to Randall L. Inlow (Respondent). The Cemetery Manager License was in full force and
27 effect at all times relevant to the charges brought herein and will expire on July 31, 2019, unless
28 renewed.

3. On or about July 2, 2004, the Bureau issued Crematory Manager License No. CRM 197 to Respondent. The Crematory Manager License was in full force and effect at all times relevant to the charges brought herein and will expire on July 31, 2019, unless renewed.

JURISDICTION

4. This Accusation is brought before the Director of the Department of Consumer Affairs for the Bureau, under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

5. Section 7686 of the Code states:

The bureau may suspend or revoke licenses, after proper notice and hearing to the licensee, if the licensee has been found guilty by the bureau of any of the acts or omissions constituting grounds for disciplinary action. The proceedings under this article shall be conducted in accordance with Chapter 5 of Part 1 of Division 3 of Title 2 of the Government Code, and the bureau shall have all the powers granted therein.

6. Section 7686.5 of the Code states:

All accusations against licensees shall be filed with the bureau within two years after the performance of the act or omission alleged as the ground for disciplinary action; provided, however, that the foregoing provision shall not constitute a defense to an accusation alleging fraud or misrepresentation as a ground for disciplinary action. The cause for disciplinary action in such case shall not be deemed to have accrued until discovery by the bureau of the facts constituting the fraud or misrepresentation, and, in such case, the accusation shall be filed within three years after such discovery

STATUTORY PROVISIONS

7. Section 7711.1 of the Code states, in pertinent part:

Unprofessional conduct by any licensee or registrant or by any agent or employee of a licensee or registrant constitutes grounds for disciplinary action.

8. Section 7711.2 of the Code states, in pertinent part:

The bureau may, upon its own motion, and shall, upon the verified complaint in writing of any person, investigate the actions of any person engaged in the business or acting in the capacity of a cemetery licensee, and may temporarily suspend or permanently revoke a license at any time where the licensee, within the immediately preceding three years, while a cemetery licensee in performing or attempting to perform any of the acts specified in this act, has been guilty of any of the following:

- (a) Making any substantial misrepresentation.
- (b) Making any false statement of a character likely to influence or persuade.

...

1 (i) Any other conduct, whether of the same or a different character than specified in this
2 section, which constitutes fraud or dishonest dealing.

3 (j) The misrepresentations and false statements mentioned in this section also include
4 misrepresentation and false statements as to other property than that which the
5 cemetery licensee may be selling or attempting to sell.

6 REGULATORY PROVISIONS

7 9. California Code of Regulations, title 16, section 2230 provides in pertinent part:

8 For the purposes of denial, suspension or revocation of a license pursuant to Division
9 1.5 (commencing with Section 475) of the Code, a crime or act shall be considered to
10 be substantially related to the qualifications, functions or duties of a cemetery broker
11 or salesperson if to a substantial degree it evidences present or potential unfitness of a
12 cemetery broker or salesperson to perform the functions authorized by his or her
13 license in a manner consistent with the public health, safety, or welfare.

14 COST RECOVERY

15 10. Section 125.3, subdivision (a), states, in pertinent part: Except as otherwise provided
16 by law, in any order issued in resolution of a disciplinary proceeding before any board within the
17 department upon request of the entity bringing the proceeding, the administrative law judge
18 may direct a licensee found to have committed a violation or violations of the licensing act to
19 pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

20 FIRST CAUSE FOR DISCIPLINE 21 (Misrepresentation/Fraud)

22 11. Respondent is subject to disciplinary action under Code section 7711.2, subdivisions,
23 (a), (b), (i), and (j), in conjunction with title 16, California Code of Regulations section 2330, in
24 that while employed at Bellevue Memorial Park, in Upland, California, Respondent used a
25 company credit card for unauthorized purchases. The circumstances are set forth below:

- 26 a. On or about June 2, 2016, a Decision and Order was issued by the California
27 Unemployment Appeals Board in *Bellevue Memorial Park employer and Randall*
28 *Inlow claimant*; Case No 5704507, in which it was found that Respondent was
discharged for "theft in that [Respondent] purchased cars, paid his DUI attorney, and
engaged in other conduct stealing from the employer." It was further found that the theft
amounted to approximately \$47,000.

- 1 b. Bellevue Memorial Park submitted a claim to its insurance company for its losses in
2 which it submitted an audit demonstrating that Respondent used a company credit card
3 for personal purchases such as food, cars, insurance, legal services, plastic surgery and
4 for products outside business interests. Travelers Insurance paid the claim in the
5 amount of \$55,000.

6 **SECOND CAUSE FOR DISCIPLINE**
7 **(Unprofessional Conduct)**

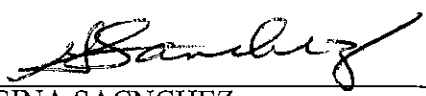
8 12. Respondent is subject to disciplinary action under Code section 7111.1, in
9 conjunction with title 16, California Code of Regulations section 2330, in that Respondent
10 engaged in unprofessional conduct as set forth above in paragraphs 9 (a) and (b).

11 **PRAYER**

12 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,
13 and that following the hearing, the Director of the Department of Consumer Affairs issue a
14 decision:

- 15 1. Revoking Cemetery Manager License No. CEM 147, issued to Randall L. Inlow;
16 2. Revoking Crematory Manager License No. CRM 197, issued to Randall L. Inlow;
17 3. Ordering Randall L. Inlow to pay the Cemetery and Funeral Bureau the reasonable
18 costs of the investigation and enforcement of this case, pursuant to Business and Professions
19 Code section 125.3; and,
20 4. Taking such other and further action as deemed necessary and proper.

21
22
23 DATED: 06/05/19


24 GINA SACNCHEZ
25 Bureau Chief
26 Cemetery and Funeral Bureau
27 Department of Consumer Affairs
28 State of California
Complainant

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